

SAMUEL I. "SANDY" ROSENBERG
Legislative District 41
Baltimore City

Health and Government Operations
Committee

Chair

Government Operations and
Health Facilities Subcommittee

House Chair

Joint Committee on Administrative,
Executive, and Legislative Review



THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

Respond to Office Indicated

□ Annapolis Office
The Maryland House of Delegates
6 Bladen Street, Room 365
Annapolis, Maryland 21401
410-841-3297 · 301-858-3297
800-492-7122 Ext. 3297
Samuel.Rosenberg@house.state.md.us

□ District Office
4811 Liberty Heights Avenue
Baltimore, Maryland 21207
410-664-2646

Testimony of Delegate Samuel I. Rosenberg
Before the House Ways and Means Committee
In Support of
House Bill 57

Voters' Rights Protection Act of 2020

"The vote is precious. It is the most powerful non-violent tool we have in a democratic society, and we must use it."

- John R. Lewis

Madame Chair and Members of the Committee:

Expanding and preserving access to the ballot box is essential to our democracy. During the 2020 primary and general elections, our country experienced an extraordinary transformation in how citizens cast their ballots.

House Bill 57, the Voter's Rights Protection Act, proposes changes in election law to allow for increased participation in Maryland's elections. It imposes requirements on local boards of elections regarding the closing or changing of polling locations, codifies the handling of unsigned oaths accompanying absentee ballots, and enacts a protections for ballot drop boxes.

Additionally, this legislation attempts to mitigate the spread of misinformation online around election season. HB57 would authorize the State Board of Elections to take action if it finds that a "covered website"¹ fails to report certain misinformation disseminated on its website.

¹ HB57 defines a covered website as, "an online social network or search engine that has 50,000,000 or more unique monthly United States visitors or users".

On polling location closures or changes

As would be the case under the John Lewis Voting Rights Advancement Act, a local board of election may not implement a “covered change”² in polling locations unless several requirements are met.

The local board of elections must do the following:

- 1) notify voters and local civil rights organizations of the change;
- 2) hold a public hearing at which interested parties can testify on the change;
- 3) complete an independent analysis of the change which shows the change will not have a discriminatory impact; and
- 4) attain a declaratory judgment from a court, or written certification from the Attorney General, that the change will not result in a discriminatory impact; and
- 5) the County legislature must pass a resolution approving the change.

If an emergency exists, the local board of elections can apply to the Circuit Court for the respective County or the Attorney General for a waiver of one or more of the requirements above.

On curing and timing of absentee ballots

Current state law requires that absentee (or “mail-in”) ballots be accompanied by a signed oath. If the oath is not signed, the ballot is rejected. There is no requirement that the signature oath be matched to the voter’s signature on file with the State. HB57 does not make any change to this part of existing law.

HB57 would provide that if an unsigned oath arrives at the Board of Elections, the Board must contact the voter to try to obtain their signature. If the Board does not obtain a signature, the ballot is then rejected. This would codify emergency action taken by the State Board of Elections for the 2020 elections.

On timing of absentee (“mail-in”) ballots, HB57 states a ballot is considered timely if the ballot envelope is postmarked no later than the day after Election Day.

² HB 57, defines a “covered change in voting locations” as “any change that reduces, consolidates, or relocating voting locations in any census tract within which one or more racial minority groups or language group represent 20% of the voting age population.”

Prohibition of recording a ballot drop box

Protections that currently exist inside polling sites need to be extended beyond the booth. Thus, HB57 would explicitly prohibit recording a voter while they deposit their ballot in a ballot drop box. There is an exception if the recorder is approved by a local board to ensure security.

Combating the spread of misinformation about elections

Lastly, HB57 would require “covered websites” to seek to detect false statements regarding voting requirements that are published on its site. The website is required, within 48 hours, to report the information to SBE if it knows of certain information regarding the communication. The Board then must make efforts to notify the public and convey information to correct the disinformation.

If a covered website fails to report known false statements on its platform, it could be subject to a civil penalty not exceeding \$50,000. Notably, the bill excludes the press from this requirement because social media websites are the focus of this provision.

The Voters’ Rights Protection Act would further guarantee that all Marylanders are afforded an equal opportunity to cast their vote. HB57 aims to make voting more accessible for Maryland voters, ensure every vote counts, and maintain faith in the process of how Maryland conducts its elections.

We should build upon our experience in the historic elections of this past year and solidify Maryland’s role as a leader in election integrity and access.

I urge the Committee to act favorably on House Bill 57.

January 26, 2020